

106TH CONGRESS  
2D SESSION

# S. 2027

To authorize the Secretary of the Army to design and construct a warm water fish hatchery at Fort Peck Lake, Montana.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2000

Mr. BURNS introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To authorize the Secretary of the Army to design and construct a warm water fish hatchery at Fort Peck Lake, Montana.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Fort Peck Fish Hatch-  
5       ery Authorization Act of 2000”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

8               (1) Fort Peck Lake, Montana, is in need of a  
9       warm water fish hatchery;

1           (2) the burden of carrying out efforts to raise  
2           and stock warm water fish species in the State of  
3           Montana has been disproportionately borne by the  
4           State despite the existence of many Federal projects  
5           on waterways in the State;

6           (3)(A) as of the date of enactment of this Act,  
7           eastern Montana has only 1 warm water fish hatch-  
8           ery, which is inadequate to meet the demands of the  
9           region; and

10          (B) a disease or infrastructure failure at that  
11          hatchery could imperil fish populations throughout  
12          the region;

13          (4) although the multipurpose project at Fort  
14          Peck, Montana, authorized by the first section of the  
15          Act of August 30, 1935 (49 Stat. 1034, chapter  
16          831), was intended to include irrigation projects and  
17          other activities designed to promote economic  
18          growth, many of those projects were never com-  
19          pleted, to the detriment of the local communities  
20          flooded by the Fort Peck Dam;

21          (5) the process of developing an environmental  
22          impact statement for the update of the Corps of En-  
23          gineers Master Manual for the operation of the Mis-  
24          souri River recognized the need for greater support

1 of recreation activities and other authorized pur-  
2 poses of the Fort Peck project;

3 (6)(A) although fish stocking is included among  
4 the authorized purposes of the Fort Peck project,  
5 the State of Montana has funded the stocking of  
6 Fort Peck Lake since 1947; and

7 (B) the obligation to fund the stocking con-  
8 stitutes an undue burden on the State; and

9 (7) a viable warm water fishery would spur eco-  
10 nomic development in the region.

11 **SEC. 3. PURPOSES.**

12 The purposes of this Act are—

13 (1) to authorize and provide funding for the de-  
14 sign and construction of a warm water fish hatchery  
15 at Fort Peck Lake, Montana; and

16 (2) to ensure stable operation and maintenance  
17 of the fish hatchery.

18 **SEC. 4. DEFINITIONS.**

19 In this Act:

20 (1) FORT PECK LAKE.—The term “Fort Peck  
21 Lake” means the reservoir created by the damming  
22 of the upper Missouri River in northeastern Mon-  
23 tana.

24 (2) HATCHERY PROJECT.—The term “hatchery  
25 project” means the project authorized by section 5.

1           (3) SECRETARY.—The term “Secretary” means  
2           the Secretary of the Army.

3   **SEC. 5. AUTHORIZATION.**

4           The Secretary shall carry out a project at Fort Peck  
5   Lake, Montana, for the design and construction of a fish  
6   hatchery and such associated facilities as are necessary to  
7   sustain a warm water fishery.

8   **SEC. 6. COST SHARING.**

9           (a) DESIGN AND CONSTRUCTION.—

10           (1) FEDERAL SHARE.—The Federal share of  
11   the cost of design and construction of the hatchery  
12   project shall be 75 percent.

13           (2) FORM OF NON-FEDERAL SHARE.—

14           (A) IN GENERAL.—The non-Federal share  
15   of the cost of the hatchery project may be pro-  
16   vided in the form of cash or in the form of  
17   land, easements, rights-of-way, services, roads,  
18   or any other form of in-kind contribution deter-  
19   mined by the Secretary to be appropriate.

20           (B) REQUIRED CREDITING.—The Sec-  
21   retary shall credit toward the non-Federal share  
22   of the cost of the hatchery project—

23           (i) the cost to the State of Montana  
24   of stocking Fort Peck Lake during the pe-  
25   riod beginning January 1, 1947; and

1 (ii) the cost to the State of Montana  
 2 and the counties having jurisdiction over  
 3 land surrounding Fort Peck Lake of con-  
 4 struction of local access roads to the lake.

5 (b) OPERATION, MAINTENANCE, REPAIR, AND RE-  
 6 PLACEMENT.—

7 (1) IN GENERAL.—Except as provided in para-  
 8 graphs (2) and (3), the operation, maintenance, re-  
 9 pair, and replacement of the hatchery project shall  
 10 be a non-Federal responsibility.

11 (2) COST ASSOCIATED WITH THREATENED AND  
 12 ENDANGERED SPECIES.—The cost of operation and  
 13 maintenance associated with raising threatened or  
 14 endangered species shall be a Federal responsibility.

15 (3) POWER.—The Secretary shall offer to the  
 16 hatchery project low-cost project power for all hatch-  
 17 ery operations.

18 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) IN GENERAL.—There are authorized to be appro-  
 20 priated to carry out this Act—

21 (1) \$5,000,000 for fiscal year 2001;

22 (2) \$5,000,000 for fiscal year 2002; and

23 (3) such sums as are necessary to carry out  
 24 section 6(b)(2).

- 1       (b) AVAILABILITY OF FUNDS.—Sums made available  
2 under subsection (a) shall remain available until expended.

